

THE HARMAN FIRM, PC

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January 9, 2013

VIA FACSIMILE (212) 805-4258

Hon. Debra Freeman
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Robledo, et al. v. No. 9 Perfume Leasehold, et al.*,
12 CV 3579 (ALC)(DCF)
related to
Robledo, et al. v. Bond No. 9, et al.,
12 CV 6111 (ALC)

Dear Judge Freeman:

We represent the Plaintiffs in the above-referenced matters and write regarding depositions in *Robledo, et al. v. No. 9 Perfume Leasehold, et al.*, 12 CV 3579 (ALC)(DCF) (hereinafter "*Bond 9 I*").

Defendants' counsel in *Bond 9 I*, Dennis A. Lalli, Esq. informed Plaintiffs at 7:22 p.m. yesterday that Defendants were unilaterally refusing to appear for three (3) depositions that Plaintiffs properly noticed, properly confirmed, and are prepared to proceed. These depositions will last at least, tomorrow, Friday and next Monday (*i.e.*, January 10, January 11 and January 14, 2013). *See attached Exhibit A*, Confirmation Letter from Peter J. Andrews, The Harman Firm, PC, to Dennis A. Lalli, Esq., Bond, Schoeneck & King, PLLC (Dec. 28, 2012).¹

Both of the above-referenced cases were filed many months ago. Defendants' eleventh-hour decision to unilaterally refuse to attend depositions without prior Court approval is highly improper and extremely inconvenient to Plaintiffs, who have spent and reserved this week preparing for and completing the depositions. Accordingly, Plaintiffs respectfully request that the Court order that Defendants:

- (i) Identify Defendants' witnesses pursuant to *Federal Rule of Civil Procedure* 30(b)(6); and
- (ii) Appear for each of the three (3) depositions.

¹ In an abundance of caution, Plaintiffs annex only the confirmation letter to this facsimile. Should the Court also wish to see copies of Plaintiffs' three (3) Notices of Depositions, Plaintiffs will promptly forward them to the Court.

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In the alternative, Plaintiffs respectfully request an award of costs and expenses for the significant inconvenience caused by Defendants' last-minute refusal to comply.

We thank the Court for its time and attention to this matter.

Respectfully submitted,
THE HARMAN FIRM, PC

s/
Walker G. Harman, Jr.

cc: Peter J. Andrews (*via email*, pandrews@theharmanfirm.com)
Dennis A. Lalli, Esq. (*via email*, dlalli@bsk.com)

Exhibit A

THE HARMAN FIRM, PC

ATTORNEYS & COUNSELORS AT LAW

200 WEST 57th STREET, SUITE 900, NEW YORK, NEW YORK 10019

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December 28, 2012

VIA EMAIL

Denis A. Lalli, Esq.
Bond, Schoeneck & King PLLC
330 Madison Avenue, 39th Floor
New York, NY 10017
dlalli@bsk.com

Re: *Robledo et al. v. No. 9 Parfume Leasehold, et al 12 CV 3579 (ALC)(DCF)*

Dear Mr. Lalli:

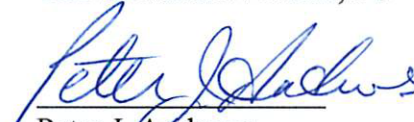
We write regarding the depositions that have been noticed in this matter. As you know, Plaintiffs have noticed the following depositions:

- A representative of Defendant No. 9 Parfume Leasehold, pursuant to Fed. R. Civ. P. 30(b)(6) for January 10, 2013;
- Defendant Laurice Rahme for January 11, 2013; and
- Hormidas Caloobanan for January 14, 2013.

Accordingly, we are writing to confirm these depositions. If you have any scheduling issues, they must be raised before January 2, 2013. Also, please let us know the name of the individual who will serve as a representative of Defendant No. 9 Parfume Leasehold.

Thank you for your attention in this matter.

Very truly yours,
THE HARMAN FIRM, PC



Peter J. Andrews

cc: Walker G. Harman (*via email*)